

ALLOWANCE

Petition to Revive

1. On 1 December 2009 Applicant filed a petition ("December 2009 Petition") to revive the current application.
2. The USPTO Office of Petitions granted Applicant's December 2009 Petition on 23 February 2010 ("February 2010 Decision"). Because the December 2009 Petition was granted, as noted in the February 2010 Decision, the abandonment of 6 July 2009 is withdrawn and prosecution will continue.

Acknowledgements

3. This action is responsive to Applicants' amendments received 5 January 2009 and resubmitted on 5 August 2009.
4. This action has been assigned paper number 20100521 for reference purposes only.
5. Claims 32-42 and 46-54 were presented by Applicant.
6. Claims 32-42 and 46-54 are cancelled by Examiner's Amendment herein.
7. Claims 55-58 are presented by Examiner's Amendment.
8. Claims 55-58 have been examined.
9. Claims 55-58 are allowed herein.

EXAMINER'S AMENDMENT

10. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

11. A complete listing of the claims, as amended by the Examiner, with markings in accordance with 37 CFR § 1.121, follows:

1.-54. (Cancelled).

55. (New) A method of managing property rights of content through inclusion and enforcement of Transaction Code Identifiers (TCI's) and their licensing conditions over a network including a combination of at least three components from the group consisting of: internet providers, network providers, connectivity providers, digital content providers, servers, routers, and end user devices, as the content is distributed to a user, said method comprising:

A) placing a TCI in a header portion of a digital content file on an end user device of the network;

wherein, the presence of the TCI indicates that the digital content file contains:

copyright conditions; or

other licensing conditions;

wherein, the TCI comprises a generic section and a property specific section;

wherein, the generic section comprises:

human readable data which indicates that a transaction must occur in order

to legally send the digital content file;

wherein, the property specific section comprises machine readable data,

wherein the machine readable data comprises:

the title of the content;

the owner of the content;

the price of the content; and

account information indicating where payments need to be sent;

- B) watermarking the machine readable data within the TCI;
- C) the owner of the content sending the machine readable data to a server for storage and later retrieval;
- D) sending the digital content file containing the TCI from the owner to a first component of the network;
- E) verifying, by the first component of the network, that the data in the property specific section of the TCI in the distributed digital content file has not been altered;

wherein the verifying includes:

- i) retrieving, from the server, the data contained in the property specific section of the TCI sent by the owner; and
- ii) comparing the data retrieved from the server with the data in the property specific section of the TCI in the distributed digital content file to ensure they agree;

F) checking the server for payment information indicating that a user to which the digital content file is being distributed to has paid the indicated price to the account contained in the property specific section of the TCI;

- G) requiring payment information, indicating the user's payment of the price to the account contained in the property specific section of the TCI, to be present on the server before the component will send the digital content file to a second component of the network;
- H) sending the digital content file to the second component of the network;
- I) if the second component is not a user device associated with the user:
 - iii) the second component of the network repeating steps E), F), and G); and
 - iv) sending the digital content file to a subsequent component of the network;
- if the second component is a user device associated with the user, storing the digital content file;
- J) repeating step I) for each subsequent component until the digital content file is stored on the user device associated with the user.

wherein, payment information is sent to the server for all payment transactions involving the distributed digital content file.

56. (New) A method of managing property rights in accordance with Claim 55 further comprising:

watermarking the data within the generic section of the TCI,
detecting, by a component of the network, one of said watermarked generic TCI data and
watermarked property specific TCI data within said digital content file.

57. (New) A method of managing property rights in accordance with Claim 56 further comprising:

verifying, by one of the at least three components of the network, that the data in the TCI of the digital content file is subject to property rights management.

58. (New) A method of managing property rights in accordance with Claim 55 further comprising:

verifying, by one of the at least three components of network, that the data in the TCI of the digital content file is subject to property rights management.

Reasons for Allowance

12. The following is the Examiner's statement of reasons for allowance.
13. Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." *In re Glaug* 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-13 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, . . . the inventor's lexicography must prevail . . ." *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.
14. The primary reference Stefik (U.S. 5,629,980) discloses as previously discussed. Stefik however does not teach at least "watermarking the machine readable data within the TCI," "repeating step I) for each subsequent component until the digital content file is stored on the user device associated with the user," and "the second component of the network repeating steps

E), F), and G)." Moreover, the missing claimed elements from Stefik are not found in a reasonable number of references. Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would *not* have been motivated to include these missing elements in an embodiment in the Stefik disclosure because: the repetitive verifying and checking by each component of the network would create delays and increase bandwidth requirements.

15. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA MURDOUGH whose telephone number is (571)270-3270. The Examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

18. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Joshua Murdough
Examiner, Art Unit 3621

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621